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HUSCH BLACKWELL LLP 190 CARONDELET PLAZA SUITE 600 ST. LOUIS, MO 63105-3441			EXAMINER CASTRO, ALFONSO	
			ART UNIT 2423	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pto-sl@huschblackwell.com

# Office Action Summary

**Application No.**

10/665,096

**Applicant(s)**

SIMYON ET AL.

**Examiner**

ALFONSO CASTRO

**Art Unit**

2423

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 March 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-14, 16-53 and 67-86 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-14, 16-53 and 67-86 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-940)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to the rejection of claim 8 under 35 U.S.C. 112, see applicant's remarks, pg. 12, filed 3/1/2011, have been considered but are moot in view of the cancelation of claim 8.

2. Applicant's arguments with respect to the rejection of amended claim 9 under 35 U.S.C. 103, see applicant's remarks, pg. 12, filed 3/1/2011, have been considered and are persuasive in light of the newly amended claim limitation. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art and a different interpretation of the previously applied prior art.

With respect to the applicant's arguments with respect to the rejection of claims under 35 U.S.C. 103 regarding the "slave" limitation, see applicant's remarks, pg. 12, filed 3/1/2011, have been considered but are not persuasive. Specifically, the applicant argues features with respect to the structural limitations to the claims were recited by incorporating the word "slave" added by amendment to the existing claims. The applicant further argues that "the slave uplinks did not need to have expensive database storage and retrieval software and did not need to have their own expensive control hardware and software." The applicant's argument uses the term "expensive" as a modifier with reference to "slave uplinks did not need to have *expensive* database storage and retrieval software and did not need to have their own *expensive* control

hardware and software" (emphasis ours). However, the fact that the slave does not need to have *expensive* hardware and software is not enough to distinguish it from prior art slave uplinks. Additionally, the term "expensive" is a relative term and the specification does not provide a standard for ascertaining the requisite degree for the term "expensive", and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Furthermore, the representation that the slave uplink does not need expensive database storage is contrary to applicant's own specification which states "it is possible to upload media content data to slave uplink 120 from other sources." See Specification pg. 12 II. 22-24 to pg. 12 II. 1-4. The applicant's specification states that a large amount of time, the remote slave uplinks will be used for such things as live feed and that the audio/video will frequently come from a connected live feed. However hardware sources may be connected to the remote slave uplink. As such, contrary to the applicant's representation that the slave uplink does not need expensive database storage, hardware sources connected to the remote slave uplink for uploading of media content would require the slave to comprise a database storage.

More importantly, one reasonably skilled in the art would understand that uplinks 120 and 150 are both considered slave uplinks because both are controlled by a master controller. In the art, a slave device is a device that follows an order given by a master remote control in which some characteristic of its emission is controlled by a master device (see The Authoritative Dictionary of IEEE Standards Terms, Seventh Edition 2000 regarding slave and slave station). In the applicant's specification, both the uplink

120 and 150 are both controlled by a master compel see fig. 3. As such, the examiner disagrees with the applicant's argument that the cited prior art does not address the recited structure and that it is inadequate according to its own express terms and that "word 'slave' in a satellite media distribution patent does not support the burden of establishing a prima facie obviousness rejection."

3. Applicant's arguments with respect to the rejection of claim 10 under 35 U.S.C. 112, see applicant's remarks, pg. 12, filed 3/1/2011, have been considered but are not persuasive. In response to applicant's argument that "[a]pplicant is entitled to be his own lexicographer....," where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999).

Claim 1 recites, *inter alia*, "generating a control instruction command, said control instruction command being configured to be *executable* by a slave uplink for transmission of the control instructions..." However, the accepted meaning of the term "executable" in the context of an executable instruction (i.e., the control instruction command is executable), is an instruction that is in the instruction set for a given computer and can be executed in its current form. As such, the uplinks do not execute any commands *per se*. For example, in applicant's specification, pg. 9 ll. 8-15, disclose

that the remote uplinks 120, 150 remove the control instruction commands from their email encapsulation, process them as if they have been generated by a control processor at the uplink itself, and transmit the control instructions associated media content data for broadcast to the satellite. In another example of executable instructions in the applicant's specification, pg. 9 ll. 19-20 of the specification, states "the control instructions will be embedded, sent and re-embedded three times before their execution at the ultimate receiver." As such, the applicant's written description does not clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term.

Furthermore, in reviewing the applicant's specification, it does not appear that the appellant rebuts the presumption of ordinary and customary meaning by acting as his own lexicographer. The appellant has not imbued the claim terms with a particular meaning or disavowed or disclaimed scope of coverage, by using words or expressions of manifest exclusion or restriction. As such, use of the claim term in the applicant's specification appears to be a description of a preferred embodiment and not a clear lexicographic definition. Hence, the claim has been interpreted in view of the specification without unnecessarily importing limitations from the specification into the claims. Therefore, the rejection of claim 10 under 35 U.S.C. 112(1) is maintained.

4. Applicant's arguments with respect to the rejection of claim 40 under 35 U.S.C. 112, see applicant's remarks, pg. 12, filed 3/1/2011, have been considered but are not

persuasive because they do not specifically address whether the arguments are directed to claims 8, 10, or 40. Therefore, the rejection of claim 40 is maintained.

### ***Status of Claims***

5. Claims 9-14, 16-53 and 67-86 are pending.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 9, 16, 31-33, 38, 45-47, 67-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fell et al., PG Pub 2004/0092251 (hereafter Fell), Fish et al., PG Pub 2007/0239609 (hereafter Fish), in further view of Dawson et al., US 5,594,490 (hereafter Dawson) and Daniel US 6,272,549 (hereafter Daniel).

8. Regarding claim 9, Fell teaches "a control processor for satellite broadcast of media content data" (Fig. 1 label 40); comprising

"a control processor (fig. 1 label 40) being configured to build control instruction commands (page 2 para 34 ll. 3-6). Additionally Fell teaches scheduling a delivery time which reads on the claimed "control instructions command (para 47).

"said control instruction commands being executable by an uplink (page 2 para 34) for transmission of a digital video broadcast bitstream (page 2 para 39-30) including control instructions contained within said control instruction command" (page 4 para 55 and 58 instructions for uplink and downlink components);

"said control processor being in operative communication with a web server such that control instruction requests are received by said control processor after said requests are received by said web server in an HTTP transmission from a remote web browser" (page 2 para 26 and page 4 para 50 ll. 4-5).

Fell teaches "said control processor (fig. 1, label 40) being further configured to package control instructions from said control instruction requests (see fig. 4, labels "Data file to be picked up" and "destination": Fell teaches that the scheduling order is processed at the controller for transmission (see fig. 2, label 132, para. 56). Further, Fell teaches "said control processor being configured to send a control instruction command in response to an order remotely entered from said remote web browser (para. 50, ll. 4-5 and fig. 4).

Whereas Fell teaches transmitting the package control instructions to the transmitter, Fell does not teach packaging instructions in an e-mail to at least one remote slave uplink. Fish teaches packaging instructions in an e-mail to at least one remote slave uplink (fig. 1, 4, para. 60, ll. 13-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fell by packaging instructions in an e-mail to at least one



remote slave uplink as taught by Fish in order to efficiently communicate among a plurality of uplinks by leveraging non-satellite networks.

Fish teaches "a communication link to a computer network, said communication link allowing said control instruction command to be emailed to remote uplinks" (Fig. 1 and Fig. 4 and page 4 para 60 and 62).

Regarding "wherein said communication link further allows confirmation message from said at least one remote slave uplink back to said control processor via email" - Fell teaches (Abstract – confirmation notice that the data was actually delivered and sending confirmation to the controller 40 that data was delivered (para 0014 para 0041 and para 0050).

Whereas Fell discloses that the confirmation message is transmitted via email (para 0050-0051), Fell does not explicitly disclose that the confirmation is transmitted to the control processor from the slave uplink. Regardless, Fell discloses the significant teaching value of acknowledging when application data has been successfully transmitted between a transmitting device and a receiving device and using email for return paths.

In an analogous art, Dawson discloses a system for file transfer communication wherein data files are transferred from a distribution station to a plurality of receiving stations via satellite (Abstract; Fig. 1) and further discloses that a receiving station transmits an acknowledgement, of the correct reception of data, to a central distribution location (col. 10 ll. 3-17). More importantly, Dawson discloses that a link connecting a

central distribution location and a satellite uplink facility are connected via a bi-directional link allowing the TCP/IP information to be communicated (col. 8 ll. 1-9).

In view of Dawson's disclosure, the applicant's claim reads on Dawson's disclosure with respect to a receiving station (i.e., "remote slave uplink") transmits an acknowledgement (i.e., "confirmation message") to a central distribution location (i.e., control processor).

Whereas Dawson does not explicitly disclose that the receiving device and the transmitting device communicate via email, Dawson discloses the significant teaching value of a enabling a receiving station to transmit an acknowledgement, of the correct reception of data, to a central distribution location and being able to communicate via TCP/IP protocol.

In an analogous art, Daniels discloses a system for using electronic mail for exchanging data between computer systems using TCP/IP in order to penetrate firewalls because e-mail is a commonly accepted process and is allowed to penetrate the firewall in most computer systems (Abstract; col. 1 ll. 13-67 to col. 2 ll. 1-12).

The motivation to modify the teachings of Fell, Dawson and Daniels is evidenced in the prior art teachings of Fish. Fish discloses a system which makes significant use of the TCP/IP for information distribution (para 0014, 0057-0058). Additionally, Fish teaches communicating with uplinks via email (fig. 1, 4, para. 60, ll. 13-15) and thus discloses a method for exchanging application data between computer systems via email. Furthermore, as discussed above, Fish teaches "a communication link to a

computer network, said communication link allowing said control instruction command to be emailed to remote uplinks" (Fig. 1 and Fig. 4 and page 4 para 60 and 62).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fell by incorporating Dawson's system for file transfer communication wherein data files are transferred from a distribution station to a plurality of receiving stations via satellite and transmits an acknowledgement, of the correct reception of data, to a central distribution location in order to incorporate an error correction feature and allow the transmitting facility to confirm the successful transmission of data. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fell and Dawson by further incorporating Daniel's invention for using electronic mail for exchanging data between computer systems using TCP/IP in order to penetrate firewalls because e-mail is a commonly accepted process and is allowed to penetrate the firewall in most computer systems. The combination of references results in the ability of exchanging application data between computer systems, via email, using a TCP/IP protocol as disclosed by Fish (i.e., packaging instructions in an e-mail to at least one remote slave uplink as taught by Fish in order to efficiently communicate among a plurality of uplinks by leveraging non-satellite networks) and the combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.

9. As to claim 16, Fell teaches sending customer terminal 80 coupled to controller 40 for receiving control orders using a screen-based interface using a transfer protocol

(page 2 para 26 and page 4 para 50). The examiner takes Official Notice that SMTP, HTTP, FTP, and TFTP are well known transfer protocols for delivering content.

10. As to claim 31, Fell and Fish disclose the processor of claim 9. Fell discloses that the controller 40 acts as a firewall but does not explicitly disclose a firewall for a webserver. The Examiner takes Official Notice that firewalls are typical components of for a webserver. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Fell and incorporate the firewall protection at a web server necessary in a network and still allow data flow.

11. As to claim 32, Fish discloses the system of claim 9 wherein said uplink further comprises an encoder and a multiplexer (para 246 and 262).

12. As to claim 33, Fish discloses the system of claim 9 wherein said uplink further comprises an audiovisual input device (Fig. 2 element 38 is an A/V is input via the uplink).

13. As to claim 38, Fell and Fish disclose the system of claim 9 and Fish further discloses wherein said uplink is a conventional uplink, said conventional uplink further comprising a separate control processor (control processor discussed in claim 9 is separate from the uplink Fig. 1).

14. As to claim 45, Fell and Fish disclose the processor of claim 9. Fish discloses a receipt confirmation instructions (Fig. 4 "acknowledgement type").

15. As to claim 46, Fell and Fish (as combined) disclose the processor of claim 9. Fish discloses wherein said control instruction command includes no-error confirmation instructions (see para 53 and para 54 need for identifying errors and acknowledgement of delivery).

16. As to claim 47, Fell and Fish (as combined) disclose the processor of claim 9. Fish discloses resend a control instruction command if a no-error confirmation is not received (Abstract – in the absence of receipt of confirmation of delivery, the delivery server re-sends content).

17. As to claim 67, Fell and Fish (as combined ) disclose the processor of claim 9 and Fish discloses wherein said uplink is operative to transmit data over a broadcast network to a plurality of receivers (para 29 and Fig. 1).

18. As to claim 68, Fell and Fish (as combined) disclose the processor of claim 9. Fish discloses wherein said communication link is remote from said control processor (Fig. 1 and Fig. 2 and page 4 para 60 and 62 - plurality of uplinks are remote from controller 40).

19. As to claim 69, Fell and Fish (as combined) disclose the processor of claim 9. Fish discloses wherein said communication link is remote from said uplink (Fig. 1 and Fig. 2 and page 4 para 60 and 62 - plurality of uplinks are remote from controller 40 showing communication link separate from uplink facility).

20. As to claim 70, Fell and Fish (as combined) disclose the processor of claim 9. Fish discloses wherein said communication link is remote from any of a plurality of receivers receiving said control transmissions (Fig. 1 and Fig. 6 and page 4 para 60 and 62 - plurality of uplinks are remote from client receivers receiving transmissions).

21. As to claim 71, Fell and Fish (as combined) disclose the processor of claim 9. Fish discloses wherein said communication link is remote from said control processor, from said uplink and remote from any of a plurality of receivers receiving said control transmissions (Fig. 1-2, Fig. 4-6 and page 4 para 60 and 62 - plurality of uplinks are remote from controller 40; uplink remote from receivers/clients receiving control transmissions).

22. As to claim 72, Fell and Fish (as combined) disclose the processor of claim 9. Fell discloses having at least two uplinks (Fig. 1 shows multiple transmitters (therefore at least 2 uplinks)).

23. As to claim 73, Fell and Fish (as combined) disclose the processor of claim 9. Fell teaches wherein said control instruction request is received by said control processor from said web server through said communication link (page 2 para 26 and page 4 para 50 ll. 4-5).

24. As to claim 74, Fell and Fish (as combined) disclose the control processor of claim 9 wherein said master control processor is configured to combine control instructions. Fell teaches "said control processor (fig. 1, label 40) being further configured to package control instructions from said control instruction requests (see fig.

4, labels "Data file to be picked up" and "destination": Fell teaches that the scheduling order is processed at the controller for transmission (see fig. 2, label 132, para. 56). Whereas Fell teaches transmitting the package control instructions to the transmitter, Fell does not teach packaging instructions in an e-mail. Fish further teaches control instructions stored in memory, said stored instructions being scheduled control instructions (para 61 destination instructions/address are stored in memory and can be scheduled for delivery). Fish teaches packaging instructions in an e-mail (fig. 1, 4, para. 60, ll. 13-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fell by packaging instructions in an e-mail combined with instructions stored in memory as taught by Fish in order to efficiently communicate among a plurality of uplinks by leveraging non-satellite networks.

25. Claims 17-26, 29, 35, 37, 39-44, 48-50, 52, 75-76 rejected under 35 U.S.C. 103(a) as being unpatentable over Fell et al., PG Pub 2004/0092251 (hereafter Fell), Fish et al., PG Pub 2007/0239609 (hereafter Fish), Dawson et al., US 5,594,490 (hereafter Dawson), Daniel US 6,272,549 (hereafter Daniel), in further view of Compel Control User Manual and Brochure (hereafter CCUM).

26. As to claim 17, Fell and Fish do not disclose "a graphical user interface with said control processor". CCUM discloses (see Compel User Manual, sect. 1.3 "Compel Control User Interface). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fell and Fish for using a controller for

transmitting instructions to an uplink by further using a GUI with said controller as taught by CCUM in order to allow the users of the controller to view and monitor the transmission process.

27. As to claim 18, CCUM discloses wherein said control processor operates on Unix (The Compel User Manual does teach the control processor operating on Unix (see Compel User Manual, sect. 2, "Accessing compel control" and all sect. 3 discussing Unix Overview).

28. As to claim 19, CCUM discloses wherein said link between said control processor and said computer network is an Ethernet/LAN link (see Compel User manual, sect. 1.4.4., "Optional hardware", the control system with an Ethernet hub has an Ethernet link between its processor and the network).

29. As to claim 20, Fish discloses wherein said control processor is associated with said web server via a socket server (page 5 para 63 – discussing software agent 83).

30. As to claim 21, CCUM discloses a status memory in operative communication with said control processor (See Compel User manual, sect. D.4 "Compel Monitor", there are status panels listed on screen, which have memory allocated to them within the monitor utility).



31. As to claim 22, CCUM discloses wherein said status memory records a receiver status and user status (See Compel User manual, sect. D.4 "Compel Monitor", the receiver (an uplink) status is available and a user (a scheduler) is available).

32. As to claim 23, CCUM discloses an update driver, said update driver being configured to update said status memory to record a current status (See Compel User manual, sect. D.4.8 "Update Status/Control panel" the update driver (dbupdate) gives the current status of the update process for display).

33. As to claim 24, CCUM discloses (see sect. App. C, "Create Email batch Command File", as noted in c-6) a command may be sent via email and in a batch file, as such, a batch is a group of files that are aggregated).

34. As to claim 25, CCUM discloses (see sect. App. C, "Create Email batch Command File", as noted in c-6) a command may be sent via email and in a batch file, as such, a batch is a group of files that are aggregated). CCUM does not disclose wherein said batch aggregator and said control processor are separate components. Fish discloses an aggregator, that aggregates data that is fed into the uplink, that is separate from a processor (para 262 element 44 aggregates data and is separate from other uplink elements and processors). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify CCUM by incorporating an aggregator, that aggregates data that is fed into the uplink, that is separate from a processor as disclosed by Fish in order to efficiently deliver information

and create more efficient use of satellite resources and reduces the overall amount of time needed for transmitting data through the satellite.

35. As to claim 26, CCUM discloses (see sect. App. C, "Create Email batch Command File", as noted in c-6) a command may be sent via email and in a batch file, as such, a batch is a specified group of files (i.e. volume).

36. As to claim 29, Fell, Fish, and CCUM disclose the processor of claim 9, Fish further discloses wherein said uplink further comprises a control stream inserter (see Fish, para 262 server, router and multiplexer are used for a control stream inserter in that it processes remote requests into the control stream of satellite communication link).

37. As to claim 35, Fish teaches scheduling transmission of data as disclosed in claim 9. Fish does not explicitly disclose schedule memory. CCUM discloses 6.7 Operation of Scheduler and displaying schedule files that are currently active. As such, schedule files are stored in order to display the schedules to the user. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fish by incorporating a system for storing schedule files in order to display the schedules that are currently active and allowing the user to modify the schedules.

38. As to claim 37, Fell, Fish, and CCUM disclose the system of claim 35 wherein said schedule memory is located at said control processor and in operative

communication with said control processor (see Compel User Manual, sect. App. A, "Schedule File", file created with control processor is a memory of schedule).

39. As to claim 39, Fell and Fish (as combined) disclose the system of claim 9 wherein said control instruction request includes a receiver address, a device address, a control parameter and a parameter data (see Compel User Manual, sect. App. A, "Schedule File", the standard Compel control system command protocol is: Address Device Command [Data], where Command is the control parm and data is the data parm).

40. As to claim 40, Fell and Fish disclose the processor of claim 9 further comprising default control instructions stored in a memory exit, said memory being operatively accessible by said control processor (see CCUM sect. 6.5 allows user to modify exiting commands to certain groups, as such, user commands are stored. Furthermore, Compel Web Access disclosing accessing compel controlled server via a remote location). The Examiner takes Official Notice that remote computers accessing remote servers can store content in memory. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fell and Fish by incorporating a system for storing user command instructions in order to allow the user to modify the stored instructions as disclosed by CCUM.

41. As to claim 41, Fell and Fish disclose the system of claim 9. CCUM discloses an activity log (see Compel User manual, sect. D.4.4. "Days to Keep Uplink Logs", the uplink activity is logged). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fell and Fish by incorporating a system for providing a log to store uplink activity in order to allow the user to monitor transmitted content as disclosed by CCUM.

42. As to claim 42, CCUM discloses the system of claim 41 wherein said activity log is searchable (see Compel User Manual, sect. D.4.4., "Days to Keep Uplink Logs" the log files, are searchable by name in a log file directory, and the file can be searched if done so in a text editor via the sniffer utility). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fell and Fish by incorporating a system for providing a log to store uplink activity as disclosed by CCUM in order to allow the user to monitor transmitted content.

43. As to claim 43, CCUM discloses the system of claim 9 wherein said control instruction request is encrypted (see Compel User Manual, sect. 6.2.6., "Encryption", the request is encrypted to a sender, if the requestor has been authorized). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fell and Fish by incorporating a system for providing a encrypted transmissions as disclosed by CCUM in order to security for transmitted content.

44. As to claim 44, Fell and Fish (as combined) disclose the system of claim 9 wherein said control instruction command is encrypted is disclosed by CCUM sect.

6.2.6., "Encryption", the command is encrypted to a receiver and App. C, where an email (command) is encrypted). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fell and Fish by incorporating a system for providing a encrypted transmissions as disclosed by CCUM in order to security for transmitted content.

45. As to claim 48, Fish and Fell (as combined) the processor of claim 9. CCUM discloses update a status memory if a no-error confirmation message is received from said uplink (see CCUM, sect. D.4.5 packet w/ count value, is retransmitted with count reset for updating transmission without the need to receive error message). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fell and Fish by incorporating a system for providing a log of successful transmissions as disclosed by CCUM in order to security for transmitted content.

46. As to claim 49, Fell and Fish (as combined) disclose the system of claim 9. CCUM discloses wherein said control instruction request includes an instruction to schedule transmission of control instructions at a later selectable time (see Compel User Manual, D.3.3 "Directives", a scheduler directive coupled with a priority could schedule a later event occurrence). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fell and Fish by incorporating a system for implementing a scheduler as disclosed by CCUM in order to allow the customer greater control of timely transmissions using a flexible schedule.

47. As to claim 50, Fell and Fish (as combined) the system of claim 9. CCUM discloses wherein said control instruction command includes a control instruction packet (see Compel User Manual, sect. D.4 "Compel Monitor", within the uplink the command packet is built).

48. As to claim 52, it is analyzed similar to claim 50.

49. As to claim 75 Fell and Fish (as combined) disclose the control processor of claim 9. CCUM discloses being further configured to receive control instruction requests entered into a master control web server by a subscriber to the media content (CCUM Customer Web Access where customer is the subscriber). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fell and Fish by incorporating a system with a customer web access as disclosed by CCUM in order to allow the customer web access control for a fee.

50. As to claim 76, Fell and Fish (as combined) disclose the control processor of claim 9 but are unclear on a history, however, CCUM discloses a history of instructions (6.6.10 – ability to store transmitted instructions). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Fell and Fish with that of CCUM in order save a list of instructions, possibly for analysis.

51. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fell et al., PG Pub 2004/0092251 (hereafter Fell), Fish et al., PG Pub 2007/0239609 (hereafter Fish), Dawson et al., US 5,594,490 (hereafter Dawson), Daniel US 6,272,549 (hereafter Daniel), Compel Control User Manual and Brochure (hereafter CCUM), in further view of Goodman et al., US 4,720,873 (hereafter Goodman).

52. As to claim 36, Fell, Fish, CCUM disclose the system of claim 35 except wherein said schedule memory is located at said slave uplink. Goodman teaches uplink facility stores a schedule of data to be transmitted (col. 5 lines 63-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fell, Fish and CCUM by incorporating a system stores a schedule of data to be transmitted at the uplink facility as taught by Goodman in order to allow the uplink facility to track and provide the user with programming scheduled to be transmitted.

53. Claim 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fell et al., PG Pub 2004/0092251 (hereafter Fell), Fish et al., PG Pub 2007/0239609 (hereafter Fish), Dawson et al., US 5,594,490 (hereafter Dawson), Daniel US 6,272,549 (hereafter Daniel), Compel Control User Manual and Brochure (hereafter CCUM) in further view of Schweitzer et al. (US 2002/0013843 A1).

54. As to claim 27, Fell, Fish do not disclose "said batch aggregator is configured to complete a batch for transmission upon reaching a preconfigured time out. CCUM discloses (sect. App. C, "Create Email batch Command File", as noted in c-6) a command may be sent via email and in a batch file, as such, a batch is a group of files

that are aggregated and further indicates the uplink packet transmit counts in D.3.1). CCUM does not disclose wherein said batch aggregator is configured to complete a batch for transmission upon reaching a preconfigured time out. In an analogous art, Schweitzer teaches [0066] when a time out or time limit, which is inherently pre-configured, is reached on the batched data (from pipe ISMs) an event will occur (such as disablement or transmission in the instant app). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify CCUM by incorporating when a time out or time limit, which is inherently pre-configured, is reached on the batched data (from pipe ISMs) an event will occur (such as disablement or transmission in the instant app) disclosed by Schweitzer in order to efficiently deliver information and create more efficient use of satellite resources and reduces the overall amount of time needed for transmitting data through the satellite.

55. Claims 51, 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fell et al., PG Pub 2004/0092251 (hereafter Fell), Fish et al., PG Pub 2007/0239609 (hereafter Fish), Dawson et al., US 5,594,490 (hereafter Dawson), Daniel US 6,272,549 (hereafter Daniel), Compel Control User Manual and Brochure (hereafter CCUM), in further view of Pelkey et al. (US 4,985,895).

56. As to claim 51, Fell, Fish, and CCUM (as combined) disclose system of claim 50 but are unclear on details of the instruction packet wherein said control instruction packet includes a frame separator, a system identification, a length indicator, a sequence number, a remote address for an individual receiver, a class identifier, a device address, a command identifier, a command data value and a check sum. Pelkey



does show the details (see Pelkey, fig. 3 and Fig. 6). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Fish, Fell, and CCUM with Pelkey in order to denote the fields that make up an instruction packet (see Pelkey, col. 4, ll. 40-65);

57. As to claim 53, it is similar to claim 51 and is therefore similarly analyzed (see above).

58. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable Fell et al., PG Pub 2004/0092251 (hereafter Fell), Fish et al., PG Pub 2007/0239609 (hereafter Fish), Dawson et al., US 5,594,490 (hereafter Dawson) and Daniel US 6,272,549 (hereafter Daniel), in further view of Meyer et al., PG Pub 6289378 (hereafter Meyer).

59. As to claim 28, Fell and Fish do not disclose on communication with a server via a language selected from the group consisting of: Perl, TCL, C, C++, or Visual Basic; however, Meyer discloses a web browser remote computer management system and interfacing applications with information servers (i.e. web servers) using any language that allows it to be executed on the system such as C, C++, Java, Fortran, Perl, TCL, Visual Basic (col. 3 lines 61-67 to col. 4 lines 5-7). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Fell and Fish with the system of Meyer in order to create an environment to communicate with a web server using a specific scripting language.

60. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fell et al., PG Pub 2004/0092251 (hereafter Fell), Fish et al., PG Pub 2007/0239609 (hereafter Fish), Dawson et al., US 5,594,490 (hereafter Dawson) and Daniel US 6,272,549 (hereafter Daniel), in further view of McKenna et al., PG Pub 2003/0005449 (hereafter McKenna).

61. As to claim 30, Fell and Fish disclose the processor of claim 9. Fell discloses that the controller 40 acts as a firewall but does not explicitly disclose a firewall at an uplink; however, McKenna discloses an uplink comprising a firewall (para 17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Fell with the system of McKenna to enable the firewall protection at an uplink necessary in a network and still allow data flow.

62. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fell et al., PG Pub 2004/0092251 (hereafter Fell), Fish et al., PG Pub 2007/0239609 (hereafter Fish), Dawson et al., US 5,594,490 (hereafter Dawson) and Daniel US 6,272,549 (hereafter Daniel) in further view of Pecus et al., PG Pub 2007/0255829 (hereafter Pecus).

63. As to claim 34, Fell and Fish do not disclose wherein said audiovisual input device is a live feed. In an analogous art, Pecus discloses (para 58-59 and 61 real-time data is a live feed). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Fell and Fish with the system of Pecus to enable transmission of broader selection of programming.

64. Claims 80-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fell et al., PG Pub 2004/0092251 (hereafter Fell), Fish et al., PG Pub 2007/0239609 (hereafter Fish), Dawson et al., US 5,594,490 (hereafter Dawson) and Daniel US 6,272,549 (hereafter Daniel), in further view of Hendricks US 6,160,989 (hereafter Hendricks).

65. Regarding claim 90 "said slave uplink excluding database storage and retrieval components" Fell and Fish do not specifically reference this limitation. In an analogous art, Hendricks teaches (col. 9 lines 49-67—master operations center associated with uplink handles additional processing and transmitting of data than slave uplinks). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a method for transmitting data using an uplink facility by incorporating a master and slave uplink configuration as taught by Hendricks in order to allow the master uplink facility to handle more processing, transmitting and coordination of various functions among the slave operation center components including uplink devices.

66. Regarding claim 91, "comprising said slave uplink excluding a control instruction generating component" Fell and Fish do not specifically reference this limitation. In an analogous art, Hendricks teaches (col. 9 lines 49-67—master operations center associated with uplink handles additional processing and transmitting of data than slave uplinks implicitly teaches the master and not the slave executes the generation of the control instructions). Therefore, it would have been obvious to one of ordinary skill in

the art at the time the invention was made to modify a method for transmitting data using an uplink facility by incorporating a master and slave uplink configuration as taught by Hendricks in order to allow the master uplink facility to handle more processing, transmitting and coordination of various functions among the slave operation center components including uplink devices.

67. Regarding claim 92, "said slave uplink being configured to provide content data that is exclusively a live feed" Fell and Fish do not specifically reference this limitation. In an analogous art, Hendricks teaches (col. 9 lines 49-67—master operations center associated with uplink handles additional processing and transmitting of data than slave uplinks implicitly teaches the master and not the slave executes the generation of the control instructions; col. 19 lines 1-13—content data comprises live video). Whereas Hendricks does not limit content data to *exclusively* live video feed, Hendricks disclosed that content data comprise live video (limiting the transmission to exclusively live video would have been an obvious modification of design choice). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a method for transmitting data using an uplink facility by incorporating a master and slave uplink configuration as taught by Hendricks in order to allow the master uplink facility to handle more processing, transmitting and coordination of various functions, including live transmissions, among the slave operation center components including uplink devices.

68. Regarding claim 93, "comprising content data for transmission by said slave uplink being provide from outside said slave uplink" Fell and Fish do not specifically reference this limitation. In an analogous art, Hendricks teaches (Fig. 1—uplink receiving content from outside in elements 204 and 202; col. 9 lines 49-67—master operations center associated with uplink handles additional processing and transmitting of data than slave uplinks implicitly teaches the master and not the slave executes the generation of the control instructions; col. 19 lines 1-13—content data comprises live video). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a method for transmitting data using an uplink facility by incorporating a master and slave uplink configuration and allow the uplink facilities to receive content from the outside as taught by Hendricks because the combination of references results in a process that is more desirable and more efficient.

69. Regarding claim 94, "said slave uplink being in operative communication with a LAN, said LAN providing content data uploadable to said slave uplink for transmission according to said control instruction command" Fell and Fish do not specifically reference this limitation. In an analogous art, Hendricks teaches (Fig. 1, 3—uplink receiving content from outside in elements 204 and 202 in a network arrangement; col. 9 lines 49-67—master operations center associated with master uplink and transmits data to slave uplinks). While Hendricks does not specifically reference a LAN, official notice is taken that uplinks arranged in a LAN are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was

made to modify a method for transmitting data using an uplink facility by incorporating a master and slave uplink configuration in a LAN and allow the uplink facilities to communicate content as taught by Hendricks because the combination of references results in a process that is more desirable and more efficient.

70. Claims 85-86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fell et al., PG Pub 2004/0092251 (hereafter Fell), Fish et al., PG Pub 2007/0239609 (hereafter Fish), Dawson et al., US 5,594,490 (hereafter Dawson) and Daniel US 6,272,549 (hereafter Daniel), Hendricks US 6,160,989 (hereafter Hendricks), in further view of Beuque PG Pub 2005/0041955 (hereafter Beuque).

71. Regarding claim 95, "said slave uplink comprising a decryptor, a validator and a control stream inserter that inserts control instructions for transmission in an outgoing datastream for broadcast" Fell and Fish do not specifically reference this limitation. In an analogous art, Hendricks teaches (Abstract; col. 9 lines 49-67—master operations center associated with master uplink and transmits data to slave uplinks). While Hendricks does not specifically reference a validator and a control stream inserter, Beuque teaches (Abstract; page 2 [0027-0030]—describing authentication and encapsulation in a transport stream corresponds to validating and control stream inserter). While Beuque does not specifically reference slave uplink comprising a decryptor, official notice is taken that slave devices capable of receiving encrypted data is well known in the art. Therefore, it would have been obvious to one of ordinary skill in

the art at the time the invention was made to modify a method for transmitting data using an uplink facility by incorporating a master and slave uplink configuration to allow the uplink facilities to communicate content as taught by Hendricks and incorporate components in transmission devices which allow the device to decrypt, validate or authenticate and control stream components as taught by Beuque and the prior art because the combination of references results in a process that is more desirable and more efficient.

72. Regarding claim 96, Fell, Fish, and Daniel in claim 9 do not disclose "said slave uplink excluding database storage and retrieval components; said slave uplink excluding a control instruction generating component; said slave uplink being configured to provide content data that is exclusively a live feed." In an analogous art, Hendricks teaches (col. 9 lines 49-67—master operations center associated with uplink handles additional processing and transmitting of data than slave uplinks implicitly teaches the master and not the slave executes the generation of the control instructions; col. 19 lines 1-13—content data comprises live video). Whereas Hendricks does not limit content data to *exclusively* live video feed, Hendricks disclosed that content data comprise live video (limiting the transmission to exclusively live video would have been an obvious modification of design choice). As such, Hendricks suggests the inability of slave devices to generate control instructions

Whereas Hendricks only suggests excluding database storage and retrieval components and limiting the slave devices to retransmitting functions, in an analogous



art, Dawson discloses a satellite uplink facility excluding database storage and retrieval components and excluding a control instruction generating component" (Fig. 1 element 25; col. 8 ll., 15-39).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a method for transmitting data using an uplink facility by incorporating a master and slave uplink configuration as taught by Hendricks in order to allow the master uplink facility to handle more processing, transmitting and coordination of various functions, including live transmissions, among the slave operation center components including uplink devices.

With respect to "content data for transmission by said slave uplink being provided from outside said slave uplink" - Hendricks teaches (Fig. 1—uplink receiving content from outside in elements 204 and 202; col. 9 lines 49-67—master operations center associated with uplink handles additional processing and transmitting of data than slave uplinks implicitly teaches the master and not the slave executes the generation of the control instructions; col. 19 lines 1-13—content data comprises live video). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a method for transmitting data using an uplink facility by incorporating a master and slave uplink configuration and allow the uplink facilities to receive content from the outside as taught by Hendricks because the combination of references results in a process that is more desirable and more efficient.

With respect to "said slave uplink being in operative communication with a LAN, said LAN providing content data uploadable to said slave uplink for transmission

according to said control instruction command" - In an analogous art, Hendricks teaches (Fig. 1, 3—uplink receiving content from outside in elements 204 and 202 in a network arrangement; col. 9 lines 49-67—master operations center associated with master uplink and transmits data to slave uplinks). While Hendricks does not specifically reference a LAN, official notice is taken that uplinks arranged in a LAN are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a method for transmitting data using an uplink facility by incorporating a master and slave uplink configuration in a LAN and allow the uplink facilities to communicate content as taught by Hendricks because the combination of references results in a process that is more desirable and more efficient.

With respect to "said slave uplink comprising a decryptor, a validator and a control stream inserter that inserts control instructions for transmission in an outgoing datastream for broadcast" - In an analogous art, Hendricks teaches (Abstract; col. 9 lines 49-67—master operations center associated with master uplink and transmits data to slave uplinks). While Hendricks does not specifically reference a validator and a control stream inserter, Beuque teaches (Abstract; page 2 [0027-0030]—describing authentication and encapsulation in a transport stream corresponds to validating and control stream inserter). While Beuque does not specifically reference slave uplink comprising a decryptor, official notice is taken that slave devices capable of receiving encrypted data is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a method for transmitting data using an uplink facility by incorporating a master and slave uplink

configuration to allow the uplink facilities to communicate content as taught by Hendricks and incorporate components in transmission devices which allow the device to decrypt, validate or authenticate and control stream components as taught by Beuque and the prior art because the combination of references results in a process that is more desirable and more efficient.

73. Claims 10,11, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fell et al., PG Pub 2004/0092251 (hereafter Fell) in further view of Fish et al., PG Pub 2007/0239609 (hereafter Fish), in further view of Dawson et al., US 5,594,490 (hereafter Dawson) and Daniel US 6,272,549 (hereafter Daniel).

74. Regarding claim 10, Fell teaches "a method of controlling a media content broadcast" (Fig. 1 label 40); comprising

Fell teaches "receiving a control instruction request at a central processor from a remote input" (page 2 para 26 and page 4 para 50 - customer terminal 80 coupled to controller 40 for receiving control orders using a screen-based interface using a transfer protocol); Fell teaches "through a computer network linked to both said central processor and said remote input" (page 2 para 26).

Fell teaches "generating a control instruction command" (page 2 para 34 ll. 3-6). Additionally Fell teaches scheduling a delivery time which reads on the claimed "control instructions command" (para 47).

Fell teaches "said control instruction command being configured to be executable by a slave uplink for transmission of the control instructions" (page 2 para 34): Fell teaches "to a plurality of remote receivers via satellite, said slave uplink being remote from said central processor" (page 2 para 34 and 55).

Fell teaches "sending said control instruction command to the slave uplink through said computer network" (see fig. 4, labels "Data file to be picked up" and "destination": Fell teaches that the scheduling order is processed at the controller for transmission (see fig. 2, label 132, para. 56)(see para 35 controller 40 coupled to transmitter via appropriate communications channels and para 26 disclosing communications channels are LAN, Internet connection and so on): Fell teaches "said slave uplink also being linked to said computer network" see para 35 controller 40 coupled to transmitter via appropriate communications channels and para 26 disclosing communications channels are LAN, Internet connection and so on): Fell teaches "said sending step being executed in response to a command from said remote input" (page 2 para 26 and page 4 para 50).

Fell teaches that the scheduling order is processed at the controller for transmission (see fig. 2, label 132, para. 56). Further, Fell teaches "said control processor being configured to send a control instruction command in response to an order remotely entered from said remote web browser (para. 50, ll. 4-5 and fig. 4).

Whereas Fell teaches transmitting control instructions to the transmitter, Fell does not disclose "wherein said slave uplink is remote from said central processor and

wherein said remote slave uplink is not configured to receive control instruction requests and wherein said remote slave uplink only receives control instruction commands through said email from said remote central processor". Fish teaches transmitting instructions in an e-mail to at least one remote slave uplink (fig. 1,4, para. 60, ll. 13-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fell by packaging instructions in an e-mail to at least one remote slave uplink as taught by Fish in order to efficiently communicate among a plurality of uplinks by leveraging non-satellite networks.

75. Regarding claim 11, Fell discloses "wherein said computer network is the internet" (see para 35 controller 40 coupled to transmitter via appropriate communications channels and para 26 disclosing communications channels are LAN, Internet connection and so on)

76. As to claim 14, Fell discloses wherein said control instruction command includes scheduling Fell teaches that the scheduling order is processed at the controller for transmission (see fig. 2, label 132, para. 56).

77. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fell et al., PG Pub 2004/0092251 (hereafter Fell), Fish et al., PG Pub 2007/0239609 (hereafter Fish), in further view of Compel Control User Manual and Brochure (hereafter CCUM).

78. Regarding claim 12, Fell and Fish do not disclose "wherein said sending step is in batch mode". CCUM discloses (sect. App. C, "Create Email batch Command File",

as noted in c-6) a command may be sent via email and in a batch file). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fell and Fish for packaging instructions in an e-mail to at least one remote slave uplink by further transmitting instructions in batch mode as taught by CCUM in order to efficiently communicate among a plurality of uplinks by leveraging non-satellite networks.

79. As to claim 13, Fell and Fish do not disclose wherein said sending step is in session mode. CCUM discloses (sect. 6.2.4, "commands", a command sent will be done so in session mode unless it is gathered in a batch file (as in claim 12). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fell and Fish for packaging instructions in an e-mail to at least one remote slave uplink by further transmitting instructions in session mode as taught by CCUM in order to efficiently communicate among a plurality of uplinks by leveraging non-satellite networks.

80. As to claim 77, Fell and Fish (as combined) disclose the control processor of claim 10 wherein said master control processor is configured to combine control instructions. Fell teaches "said control processor (fig. 1, label 40) being further configured to package control instructions from said control instruction requests (see fig. 4, labels "Data file to be picked up" and "destination": Fell teaches that the scheduling order is processed at the controller for transmission (see fig. 2, label 132, para. 56). Whereas Fell teaches transmitting the package control instructions to the transmitter,

Fell does not teach packaging instructions in an e-mail. Fish further teaches control instructions stored in memory, said stored instructions being scheduled control instructions (para 61 destination instructions/address are stored in memory and can be scheduled for delivery). Fish teaches packaging instructions in an e-mail (fig. 1,4, para. 60, ll. 13-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fell by packaging instructions in an e-mail combined with instructions stored in memory as taught by Fish in order to efficiently communicate among a plurality of uplinks by leveraging non-satellite networks.

81. As to claim 78 Fell and Fish (as combined) disclose the control processor of claim 10. CCUM discloses being further configured to receive control instruction requests entered into a master control web server by a subscriber to the media content (CCUM Customer Web Access where customer is the subscriber). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fell and Fish by incorporating a system with a customer web access as disclosed by CCUM in order to allow the customer web access control for a fee.

82. As to claim 79, Fell and Fish (as combined) disclose the control processor of claim 10 but are unclear on a history, however, CCUM discloses a history of instructions (6.6.10 – ability to store transmitted instructions). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Fell and Fish with that of CCUM in order save a list of instructions, possibly for analysis.



***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

With respect to claim 9, Compel Control User Manual and Brochure (hereafter CCUM) is pertinent because CCUM discloses that controlling every receiver and uplink can be controlled via a COMPEL network control (pg. 2 Complete Control Section); transmitting multimedia content using DVB's IP data multi-encapsulated protocol (MPE) (pg. 2 Compel Media Plan); a COMPEL controlled server (i.e., control processor) in communication with a receiving uplink (Fig. pg. 4); communicating via e-mail messages section 8. Whereas CCUM does not explicitly disclose transmitting the confirmation message from the uplink to said control processor via email, CCUM discloses using DVB IP data multi-encapsulated protocol.

Arnold US 7,325,035 – pertinent to independent claims using email messages to transmit a command to remotely control a computer resource. Arnold discloses a Trojan horse method and apparatus to permit email access to secure resources where the email message is received at a designated computer that recognizes reserved command words as part of the email message, preferably as part of the subject line thereof. A response or acknowledgement is then returned to the sender as an email message.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALFONSO CASTRO whose telephone number is (571)270-3950. The examiner can normally be reached on Monday thru Friday (8am to 5pm EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on 571-272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. C./  
Examiner, Art Unit 2423

/Andrew Y Koenig/  
Supervisory Patent Examiner, Art Unit 2423